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IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE
TO COMBAT RACISM AND RACIAL DISCRIMINATION

Letter dated 3 March 1995 from the head of the delegation
of the United States of America to the fifty-first
session of the Commission on Human Rights, addressed to
Mr. Maurice Gélé-Ahanhanzo, Special Rapporteur on
contemporary forms of racism, racial discrimination,
xenophobia and related intolerance

The Government of the United States has received and is reviewing with interest your report on your mission to the United States during 9-22 October 1994 (E/CN.4/1995/78/Add.1).

As your report indicates, the United States Government welcomed your visit "in a spirit of cooperation and openness", and facilitated your work. We are an open society and are pleased that you had the opportunity to meet with whomever you wished from all segments of our society. We recognize the values of free examination and criticism. We are studying your report from that perspective.

As your report suggests, the United States has repeatedly and consistently condemned racial discrimination. We have undertaken to pursue by all appropriate means a policy of extirpating such discrimination in all its forms.

We have promoted racial understanding, and sought to guarantee to everyone, without distinction as to race, colour, national or ethnic origin, the right to equality before the law in civil, political and economic rights. Thus contemporary United States domestic law on the federal, State

and local levels provides strong protections against racial discrimination in all fields of public endeavour and in many areas of private life. Our laws also include effective means of redress and recourse for those who despite these protections none the less become victims of discriminatory acts. We have also recently become a party to the International Convention on the Elimination of Racial Discrimination.

As your study also notes, these are matters of continuing public concern in the United States, as demonstrated by what you deemed "the densest web of community organizations in the world" to fight racial and other forms of discrimination. While most of these organizations are privately supported, almost all receive government support in the form of special tax status.

The problem of racial discrimination in the United States is complex. Your study was necessarily based on a brief visit and on limited information. Accordingly, several elements of your analysis are incomplete or inaccurate. For example, your report notes the five Supreme Court rulings in 1989 that narrowly construed a number of federal statutes regarding the law against employment discrimination (para. 56), but it fails to note that these rulings were overturned by overwhelming majorities in Congress two years later through legislation (the 1991 Civil Rights Act) that clarifies that the statutes were intended to have a broader scope.

We are paying particular note to your recommendations to the United States Government. Some of these are consistent with our national policy and goals. Others are not. Some deal with conduct by private actors and social and economic forces not readily subject to governmental action. Some, particularly your recommendation calling for the prohibition of certain groups and forms of expression, would violate basic constitutional protections of individual human rights and are not acceptable to us.

The concerned United States Government authorities are preparing a detailed analysis of points discussed in your report and of your recommendations. We shall share that analysis with you when it is completed. We look forward to a continuing dialogue with you in the pursuit of our common goal, the global elimination of racial discrimination.

(Signed): Geraldine A. Ferraro
Ambassador
